

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
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-v- :
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WILLIE BROWN, :
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Defendant. :
:
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED 10/9/2020

04cr113 (DLC)

ORDER

DENISE COTE, District Judge:

In February 2006, Willie Brown entered a plea of guilty to distribution and possession with intent to distribute 5 kilograms or more of cocaine, in violation of 21 U.S.C. § 841(b)(1)(A), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c). In October 2007, Brown was sentenced before the Honorable Richard Owen principally to a term of 200 months' imprisonment for the violation of § 841(b)(1)(A) to be followed by 60 months' imprisonment for the violation of § 924(c). Brown's sentence for the violation of § 841(b)(1)(A) was to be served concurrently with a 168-month term of imprisonment stemming from a separate conviction in the Southern District of Georgia (the "Georgia Sentence").

Brown is 74 years old. He is incarcerated in the Federal Correction Institution Miami. The Bureau of Prisons ("BOP")

projects that Brown will be released in October 2024. Brown is subject to an Immigration and Customs Enforcement detainer and will be deported to Jamaica once he completes his terms of imprisonment. As of the date of this Order, the BOP has not been able to confirm whether Brown has completed the Georgia Sentence.

On June 29, 2020, Brown's attorney, Alan Seidler, filed a motion pursuant to 18 U.S.C. § 3582(c)(1)(A) for modification or reduction of Brown's sentence. The Government opposed the June 29 motion on July 15. On July 16, the Court denied Brown's June 29 petition on exhaustion grounds.

After exhausting his administrative remedies, Brown renewed his request on September 10. The Government opposes the motion on the merits.

Once a petitioner fulfills the exhaustion requirement, the Court may reduce the petitioner's sentence, if after consideration of the § 3553(a) factors, it finds "extraordinary and compelling reasons" warrant such a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). As the Court of Appeals for the Second Circuit has explained, in the wake of the First Step Act of 2018, Pub. L. 115-391, 132 Stat. 5194, district courts are tasked with "independently" determining what reasons, for purposes of compassionate release, are extraordinary and

compelling. United States v. Brooker, 2020 WL 5739712, at *5, -
-- F.3d ---- (2d Cir. Sept. 25, 2020) (citation omitted).

Brown's petition is denied. There is no dispute that Brown has at least two health conditions, along with his age, that increase his risk should he become infected by the coronavirus or that he will be deported to Jamaica once his term of imprisonment concludes.

The § 3553(a) factors, however, weigh heavily against a reduction of the sentence. Brown was at the center of a large-scale international drug trafficking conspiracy. The seriousness of that offense necessitated a substantial prison term. As reflected in the record of Brown's 2007 sentencing, Judge Owen considered Brown's age and medical history before imposing the sentence Brown now seeks to reduce. Although no pandemic was raging at that time, the seriousness of Brown's offenses continues to support the sentence imposed.

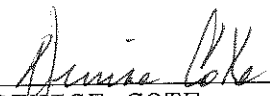
Accordingly, it is hereby

ORDERED that the September 10, 2020 motion pursuant to §

3582(c)(1)(A) is denied.

SO ORDERED:

Dated: New York, New York
October 9, 2020



DENISE COTE
United States District Judge

Copy mailed to:
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